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25920	7590	05/03/2007	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP			LEO, LEONARD R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/840,056
Filing Date: May 05, 2004
Appellant(s): CHIEN ET AL.

MAILED

MAY 03 2007

Group 3700

Albert S. Penilla
For Appellants

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 21, 2006 appealing from the Office action mailed August 9, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection is substantially correct. The changes are as follows:

Whether claims 1-3, 10-11 and 13 are unpatentable under 35 U.S.C. 102(b) over Ito.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-14 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito (Figures 5A, 6 and 9). Figures 6 and 9 of Ito discloses a cooling fin 18, 19 having a heat radiation part and a bonding part bent and brazed to a substrate 12 (Figure 2), where the bonding part has a “vacant region” 18g, 19g.

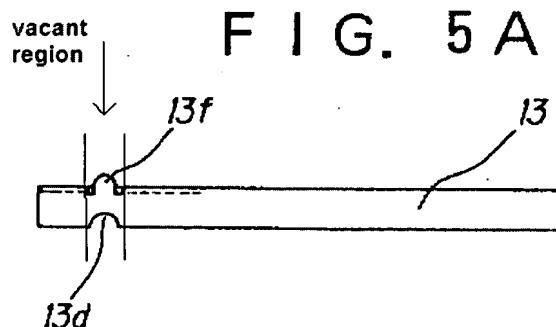
Regarding claims 2-3 and 14, Figures 6 and 9 of Ito discloses notches 18g and 19g, respectively, which is read as defining a “serrate edge.”

Regarding claims 7-8 and 18-19, Ito (column 5, lines 23-30) discloses an aluminum substrate 12 and thermally conductive sheet 13.

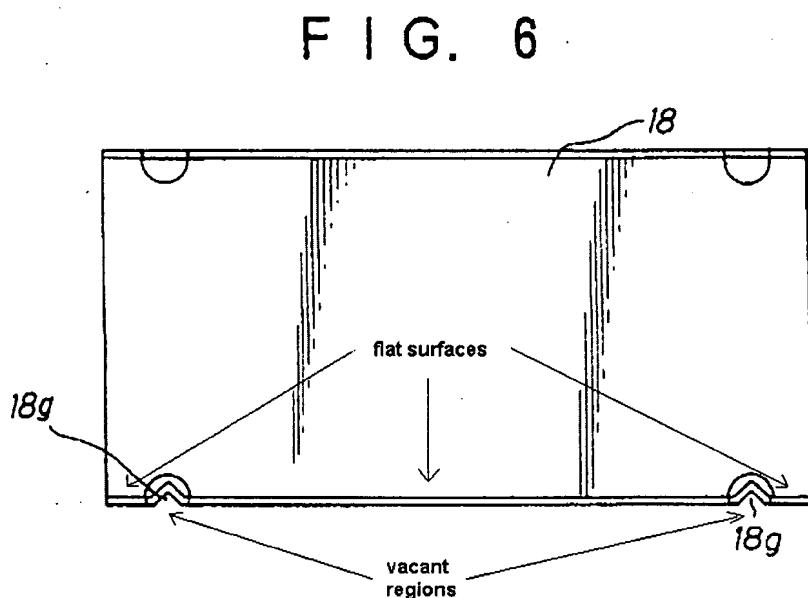
(10) Response to Argument

Initially, it is noted claims 7-9, 12, 14 and 18-19 are not appealed.

Appellant's remarks with respect to the rejection of claim 1 are not commensurate in scope with the claim. Figures 6 and 9 (column 6, lines 27-41 and column 7, lines 12-19) of Ito disclose concave sections 18g, 19g *coinciding* with "vacant regions" in the flat surface of the bonding part in the space provided on the line in Figure 5A (as shown below).



Note, the concave sections 18g, 19g are *not* in the plane of the flat surface of the bonding part. Only the vacant regions are in the plane of the flat surface of the bonding part as shown below.

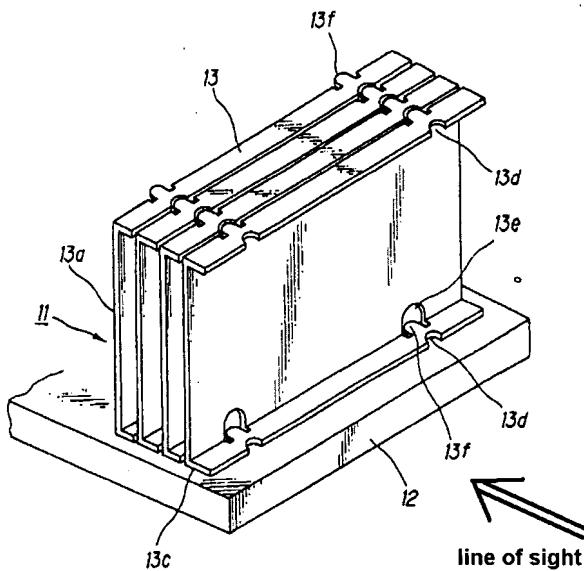


The open-ended language of comprising does not preclude the presence of the concave sections 18g, 19g in addition to the "vacant region" along the flat surface of the bonding part.

Furthermore, appellant's reading of the function of the concave sections is misplaced. Ito discloses the exact same purpose as appellant's invention. Any excess brazing, i.e. high temperature solder, that flows from the mating surfaces of the bonding part and substrate will collect in the vacant regions under the concave sections 18g, 19g without flowing beyond the substrate periphery. The concave sections 18g, 19g are not mating notches, but braze collectors.

Appellant's remarks with respect to the rejection of claim 11 are not commensurate in scope with the claim. The claim does not recite the perspective of the vacant region that is not covered. As shown below, in the perspective taken in the direction of the arrow in Figure 2 and into the plane of the sheet of Figure 6 and 9, the vacant region is not covered, in that an unobstructed line of sight extends between the substrate 12 and the concave sections 18g, 19g prior to any collection of braze solder.

F I G. 2



If the vacant region were in fact covered, then there would cease to be any vacant region and the flat surface of the bonding part would be as in appellant's Prior Art Figures 1A-1C. Again, appellant's reading of the function of the concave sections is misplaced. Ito discloses the exact same purpose as appellant's invention. Any excess brazing, i.e. high temperature solder, that flows from the mating surfaces of the bonding part and substrate will collect in the vacant regions under the concave sections 18g, 19g without flowing beyond the substrate periphery.

The concave sections 18g, 19g are not mating notches, but braze collectors.

Appellant's remarks with respect to the rejection of claims 2-3 are not commensurate in scope with the claim. The notches coinciding with concave section 18g, 19g of Ito are vacant regions and are read as defining a "serrate edge." By definition, a serrate is a notched edge, not exclusively teeth like a saw. The definition and claim does not specific the notching is continuous or a series.

Appellant's remarks with respect to the rejection of claims 10 and 13 are not commensurate in scope with the claim. As noted above, the open-ended language of comprising does not preclude additional structure to be read into the claim. As such, Figure 6 disclosing a bracket shape (i.e. J-shaped in Figure 3) and Figure 9 disclosing a Z letter shape (i.e. Figure 8) have an L-shape along with top portions.

Appellant's remaining remarks are not appealable issues.

For the above reasons, it is believed that the rejections should be sustained.

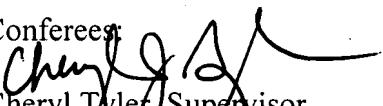
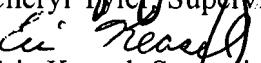
Respectfully submitted,



LEONARD R. LEO
PRIMARY EXAMINER
ART UNIT 3744

April 30, 2007

Conferees:


Cheryl Tyler, Supervisor

Eric Keasel, Supervisor

John Ford, Primary

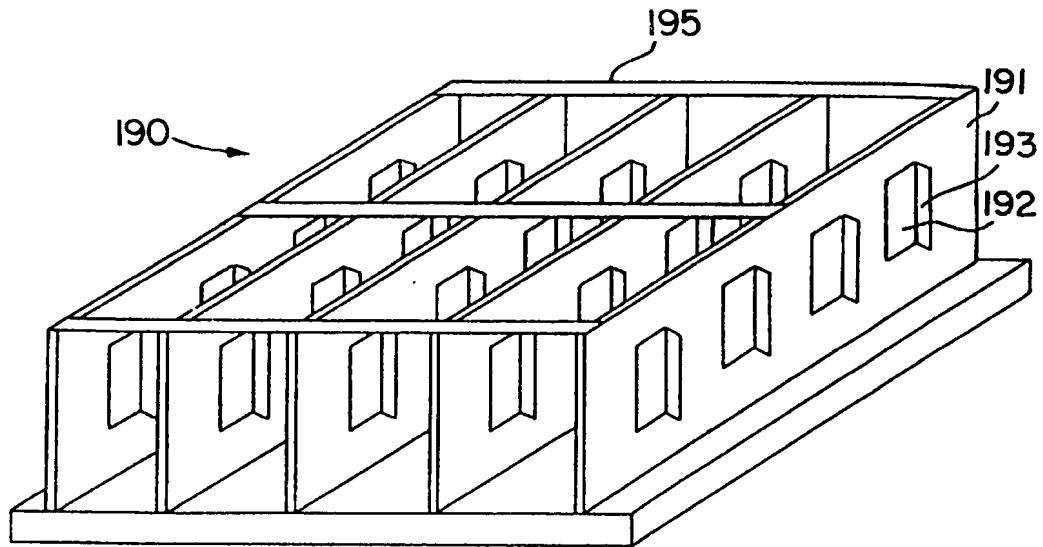


FIG. 19A

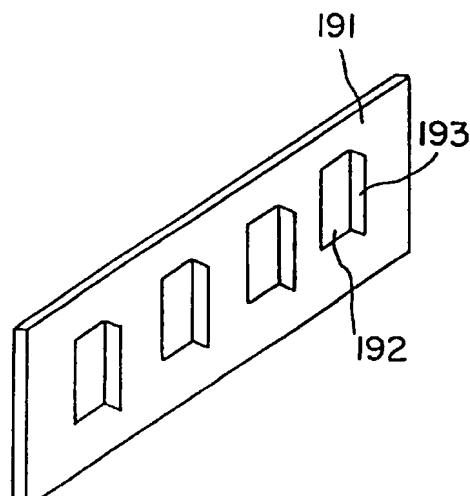


FIG. 19B